

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

IN RE:

Chapter 13

CLAUDIA J. VARGAS,

CASE NO.: 18-43462-ESS

Debtor.

-----X

I, Yonel Devico, being of lawful age and being first duly sworn on oath, states and deposes as follows:

1. I am over 18 years of age. I have personal knowledge of the facts in this Affidavit based on my review of the business records defined below, am competent to testify about such facts, and would do so if I appeared as a witness in the above-styled action.

2. I am a Vice President of WINDWARD BORA, LLC (“Windward Bora”). As such, I am authorized to make this Affidavit in support of the motion.

3. In the regular performance of my job functions, I have access to and am familiar with the business records (the “Records”) relating to the mortgage loan dated May 4, 2007 in the amount of \$220,700.00 (the “Loan”). Attached hereto as **Exhibit A** is a true and correct copy of the National City Bank’s Fixed Rate Consumer Note and Security Agreement (the “Note and Mortgage”). These records (which include but are not limited to, data compilations, electronically imaged documents, and others) are made at or near the time of events or activities reflected in such records by, or from information provided by, persons with knowledge of the activities and the transactions reflected in such records and are kept in the ordinary course of business activity conducted regularly by Windward Bora (the “Business Records”). I am also familiar with Windward Bora’s office practices and procedures. It is the regular practice of Windward Bora’s business to create and maintain these records.

4. Furthermore, it is in Windward Bora's ordinary course of business to communicate with its predecessors-in-interest to obtain information, data and records regarding the Subject Loan and to rely on that information, data and records and to incorporate those records into the Business Records for Windward Bora.

5. In connection with making this Affidavit, I personally examined the Business Records associated with the Subject Loan. As a result of this review, I know the facts set forth in this Affidavit based on my own personal knowledge and if called and sworn as a witness could competently testify thereto.

6. Windward Bora is a mortgagee of a property owned by Debtor 16-63 Hancock Street, Queens, New York (the "Property") by virtue of its ownership of a Note dated May 4, 2007.

7. There is currently due and owing on the Note the outstanding balance of \$218,385.00, plus interest accruing at the rate of 8.25% per annum [\$50.05 per day] from July 1, 2010.

8. Since Debtor filed for Bankruptcy, she has not made any payments to Windward Bora in accordance with the terms of the Note and Mortgage owned by it.

WHEREFORE, it is respectfully requested that WINDWARD BORA, LLC's motion be granted in its entirety, with such other and further relief that the Court may deem just and proper.

Dated: 7/30/2018

Authorized Signor on Behalf of FCI
Lender Services on behalf of
Windward Bora, LLC

By: *Yonel Devico*

Name: Yonel Devico

Title: Member